

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORKKENNETH M. KRYSS et al.,Plaintiffs,

-against-

CHRISTOPHER SUGRUE et al.,Defendants.

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08 Civ. 3065 (GEL)

08 Civ. 3086 (GEL)

**ORDER**

On March 5, 2008, plaintiffs commenced the above-captioned actions as a single case (the "Action") by filing a Summons and Complaint in New York State Court. On March 26, 2008, different defendants (the "Removing Defendants") filed two different removal petitions. Specifically, Bank für Arbeit und Wirtschaft und Österreichische Postsparkasse Aktiengesellschaft ("BAWAG") removed solely the claims asserted against it to the Southern District of New York. That action was assigned docket number 08 Civ. 3065 (GEL). Separately, a number of other defendants removed the remainder of the Action to the Southern District of New York, which was assigned docket number 08 Cir. 3086 (GEL).

The Court has received a joint letter from certain of the parties in the above-captioned actions regarding the Removing Defendants' time to answer plaintiffs' complaint. According to the joint letter, plaintiffs intend to move to remand the cases to New York State court. BAWAG has also moved to refer plaintiffs' claims against BAWAG to the U.S. Bankruptcy Court for the Southern District of New York. In light of these motions, the Removing Defendants request that any response to the complaint be adjourned until 20 days after the Court's decision on the motion to remand (or in BAWAG's case, until 20 days after a decision on the motion to refer and/or motion to remand, whichever is later).

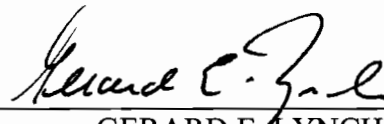
Having carefully considered the arguments presented in the joint letter, it is hereby ORDERED that the Removing Defendants' request for an extension of time to respond to plaintiffs' complaint is granted. Scheduling orders implementing this Order will be entered separately on the dockets for 08 Cir. 3065 (GEL) and 08 Civ. 3086 (GEL). In addition, pursuant to the agreement of the parties:

1. Plaintiffs shall serve their motion for remand no later than April 25, 2008. Any opposition papers shall be filed by defendants no later than 30 days after service of the motion. Plaintiffs' reply papers shall be served no later than 14 days after service of the last opposition papers to be served on plaintiffs.

2. Plaintiffs' opposition papers to BAWAG's motion to refer in 08 Civ. 3065 shall be served no later than April 25, 2008. BAWAG's reply papers shall be served no later than 14 days after service of plaintiffs' opposition papers.

SO ORDERED.

Dated: New York, New York  
April 9, 2008

A handwritten signature in black ink, appearing to read "Gerard E. Lynch", is written over a horizontal line.

GERARD E. LYNCH  
United States District Judge